

# **Legislation 101: Navigating Through the Legislative Process**

Elisha D. Hodge, J.D.  
MTAS Legal Consultant  
TCMA Fall Conference  
October 25, 2023



Municipal Technical Advisory Service  
INSTITUTE for PUBLIC SERVICE

# Learning Objectives

1. Identify how municipal staff and officials can serve as the catalyst for introducing legislation.
2. Understand the process for how a bill becomes a law.
3. Examine ways to keep the governing body informed and engaged during legislative session.
4. Explore ways to leverage resources after legislative session.



# Have You Ever . . .

1. Have you ever been sitting in a staff meeting talking with staff about some new problem that has arisen in the city/town, and when it is time to brainstorm solutions to the problem, you find out that there is nothing that can be done because state law does not give staff the authority to act.
2. Have you ever had a constituent bring you an issue and through conversations with the city/town attorney, found out that there is no authorization in state law for the city to address the issue?
3. Have you ever been up at 2:00 a.m. thinking about the council meeting last night and wondering why is there nothing in law that addresses the issue that the board talked about for 3 hours last?



# Step One: Act

1. Brainstorm and draft a potential legislative solutions with experts on staff and/or the city attorney.
2. Present the issue in a public meeting to the governing body and seek their input on potential legislative solutions.
3. Contact TML staff or the lobbyist that you work with in your city/town about the issue and a potential legislative solution.
4. Submit your issue to the TML Standing Policy Committee.



# Step Two: Act in Unison

1. Work with TML or the lobbyist that your city/town contracts with or your TCMA network to find allies. **There is strength in numbers.**
2. Meet and hash out the issues. Be transparent about what your city/town really is seeking as a solution to the issue.
2. Draft a bill (drafted by city attorneys, staff, or me if the request comes through TML) that everyone can agree to support.
3. Meet with your legislative delegation to discuss the reason legislation is needed and the draft bill that you are asking the members to file and carry.



# Step Three: Legislative Legal

If the legislative delegation agrees to carry the bill, the draft is sent to the [Office](#) of Legal Services and the bill that will be filed with and jacketed by the clerk is drafted.

**READ THE DRAFT AND THE JACKETED BILL!!**

# Step Four: The Introduction

Legislators introduce bills by filing the bills with the clerk of the body in which the legislator is a member.

The bills are jacketed or bound in manuscript covers of different and distinctive colors and the signature, or signatures, of the member, or members, sponsoring the bill are placed on the cover which also must contain the caption of the bill.

# Step Five: The Examination

The bill is then examined by the chief clerk of the house or senate to determine if it conforms to legislative rules. If it does, the bill is given a number which is placed on all copies and is then distributed as required under the rules.

The house rules:

<https://www.capitol.tn.gov/Archives/House/113GA/publications/113th%20Permanent%20Rules.pdf>

The senate rules:

<https://www.capitol.tn.gov/Archives/Senate/113GA/publications/113th%20%201st%20Extraordinary%20Session%20Rules%20August%202023.pdf>



Municipal Technical Advisory Service  
INSTITUTE for PUBLIC SERVICE



# Step 6: First Consideration

A bill must be filed with the chief clerk no later than 4:00 p.m. on the day preceding the date of introduction. As long as there is no objection, the bill is passed on first reading by the chief clerk reading the number, sponsor and title of the bill.

# Step 7: Second Consideration

The next legislative day following introduction of a bill, the bill, identified by number and title, is passed on second reading and is referred by the speaker to the appropriate standing committee under the proper order of business.



# Step 8: Committee Consideration

After a bill is referred to committee, it will remain there unless:

1. The sponsor of the bill appears before the committee to explain the bill, and a motion to recommend the bill for passage receives a majority vote of those present and voting;
2. After seven days in a committee without being acted upon, the bill is recalled from committee by a majority of the members of the senate or house;
3. If the bill is not considered controversial in nature, it is placed on a committee consent calendar and then reported as "recommended for passage" if objection is not raised; or
4. In the house committees, if the sponsor fails to appear before the committee at the scheduled hearing on two occasions and fails to request that the bill be rescheduled, the bill is returned to the clerk's desk where it is held pursuant to Rule 83(2); or
5. In the senate committees, if the sponsor fails to appear before the committee at the scheduled hearing and fails to request that the bill be re-scheduled, the bill is returned to the clerk's desk for the purpose of being withdrawn from the senate.

The committee chairs report committee action taken to the chief clerk. All bills recommended for passage by the committee are referred automatically to either the House Committee on Calendar and Rules or the Senate Calendar Committee.



# Step 9: Referred to Calendar

The House Committee on Calendar and Rules is composed of the speaker, the speaker pro tempore, the majority leader or his designee, the majority caucus chairman, the minority leader or his designee, the minority caucus chairman, two members each of the majority and minority parties appointed by and to serve at the pleasure of the Speaker, one chairman, and one vice-chairman (appointed by the speaker), and the chairman of each standing committee. This committee sets the calendar and establishes the schedule of meetings of the various standing committees.

Unlike the Senate Calendar Committee, the House Calendar and Rules Committee debates the merits of a bill or resolution. While the Senate Calendar Committee determines when a bill will reach the floor, the House Calendar and Rules Committee determines whether a bill will reach the floor.

The Senate Calendar Committee is composed of a chairman and the majority and minority floor leaders. The Senate rules state specifically that the Calendar Committee "shall only act as a scheduling committee and shall not engage in the determination of the merits of a bill or resolution" but shall calendar every bill or resolution referred to it.



# Step 10: On Calendar

Written calendars (lists of bills to be considered for third reading) are required to be posted in the senate chamber at least 24 hours before consideration by the senate or in the house chamber at least 48 hours before consideration by the house.

Consent calendars are made up of those bills and resolutions considered non-controversial and are required to be posted in the house at least three days in advance of consideration and in the senate, by 2 p.m. the day prior to consideration.



# Step 11: Third Consideration

*On the day a bill appears "on the calendar," it is open to debate and amendment by the entire body considering it (House or Senate). This action takes place under the order of business now known as "Calendar".*

*The bill is then called up for passage, and after being considered the third time and discussed or debated, it may be passed with or without amendment by a majority of the total membership of the body. (50 or more votes in the House of Representatives; 17 or more votes in the Senate.) When debate is over, a vote is taken on the bill; and the question is, "Shall the bill be passed on third and final consideration?". Procedure reaches that point either by (a) debate being exhausted, i.e., all those wishing to speak have done so and the Speaker calls for the question; or (b) a motion for the "previous question," which requires two-thirds vote of those present, and automatically stops debate and a vote is taken. If the vote on the passage of the bill carries, the bill automatically goes to the Chief Engrossing Clerk.*

## Step 12: Engrossed

*Once a bill is passed by one body, it is sent to the office of the chief engrossing clerk, where it is retyped without errors and with all amendments inserted in the proper places and transmitted to the other body.*

# Step 13: Companion Bills

Typically, identical bills, or companion bills, are introduced in both houses simultaneously. When a companion bill is passed in one house, it then goes to the other house to await action on its companion. When the companion bill is called up, it is made to **conform** with the version already passed by the other house and the version first passed is **substituted** for the companion in the second house. The substituted bill is then considered on third and final reading.

If a bill passes one house and is amended in the other, the bill goes back to the house where it was originally passed for action on the amendment. The first house may vote to concur or not to concur. If it **concurs** in the amendment(s), the bill follows through for the governor's approval; but if the first house **refuses** to concur, the bill goes back to the house where the amendment originated and the motion there is that that house **recede or refuse to recede** from its position in adopting the amendment(s). If there is a refusal to recede, a conference committee is appointed to meet and attempt to reconcile the differences between the two houses on the bill or to recommend a course of action agreeable to both houses. The conference committee usually consists of at least three members of each house.



# Step 14: Enrolled

*After being passed by both houses, the bill is enrolled, or retyped by the Chief Engrossing Clerk in the house of origin, without errors and in the exact form passed by both houses and in a format suitable for approval by the speakers and by the governor.*

# Step 15: Signed by the Speakers

*After the speakers of each house sign the enrolled copy, it is automatically transmitted to the governor for action.*



Municipal Technical Advisory Service  
INSTITUTE for PUBLIC SERVICE

## Step 16: Signed by the Governor (or not)

The governor may sign the bill, veto it, or allow it to become law without the governor's signature. The governor also has the authority to reduce or reject any amount of money appropriated in a bill and still approve other portions of the bill.

If the governor vetoes a bill or reduces or rejects money appropriated through a bill, the governor's actions can be overridden by a majority vote of the total membership within each body.

# Leveraging Resources Before, During, and After Legislative Session

1. Comptroller Local Government Pre-Session Meeting (Jan.)
2. General Assembly website: <https://www.capitol.tn.gov/>
3. TML Weekly Bulletin
4. Tennessee Legislation Service by M. Lee Smith  
<https://tls.mleesmith.com/>
5. Secretary of State's website:  
<https://sos.tn.gov/publications/services/acts-and-resolutions>
6. MTAS Legislative Update Class
7. TCMA Legislative Committee



# Sources

Lawmaking in Tennessee:

<https://www.capitol.tn.gov/Archives/House/104GA/Publications/LegManual/Lawmaking%20in%20TN.pdf>

How a Bill Becomes a Law:

<https://www.capitol.tn.gov/about/billtolaw.html>

Law-Making in Tennessee: <https://4h.tennessee.edu/wp-content/uploads/sites/47/2020/03/lawmaking.pdf>



Municipal Technical Advisory Service  
INSTITUTE for PUBLIC SERVICE

# Resources

- Elisha can be reached by phone at 615-532-6827 or you can send an email to [Elisha.Hodge@tennessee.edu](mailto:Elisha.Hodge@tennessee.edu).
- MTAS website: <https://www.mtas.tennessee.edu/>.
- TML website: <https://www.tml1.org/>
- Legal Services website:  
<https://wapp.capitol.tn.gov/Apps/GeneralAssembly/JointStaff.aspx#ols>
- Tennessee Secretary of State's website: <https://sos.tn.gov/>



# Panel Discussion

Moderator:

Roger Campbell, Assistant City Manager, Maryville

Panelist:

Kirk Bednar, City Manager, Brentwood

Tim Ellis, City Manager, Goodlettsville

Chris McCartt, City Manager, Kingsport



Municipal Technical Advisory Service  
INSTITUTE for PUBLIC SERVICE

# Thoughts or Questions



Municipal Technical Advisory Service  
INSTITUTE *for* PUBLIC SERVICE





# Thank You!



Municipal Technical Advisory Service  
INSTITUTE *for* PUBLIC SERVICE